

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

May 16, 2019

Vice Chairperson B. Mazade called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Mazade, E. Hood, J. Doyle, J. Montgomery-Keast, F. Peterson,
S. Gawron, M. Hovey-Wright, B. Larson

MEMBERS ABSENT: T. Michalski

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: A. Cotton, 2236 9th St; G. White, 883 Allen Ave; L. Spataro, 1567
6th St for the Nelson Neighborhood Improvement Association; E.
Davis, 2057 Harrison St; GL Hardy, 373 Boutique Ct, Las Vegas
NV; M. Poletti, 3244 Thompson Ave; B. Evans, 3171 Lakeshore Dr

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting of April 11, 2019 was made by J. Doyle, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2019-11: Request for a Special Use Permit for a gas station and car wash at 821 E Apple Ave. M. Franzak presented the staff report. The property is zoned B-2, Convenience & Comparison Business District. Gas stations and car washes are both allowed with a Special Use Permit as long as they meet the following conditions: 1) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the roadway) or from adjacent residential property, and subject to other ordinances of the City; 2) The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait; 3) There shall be provided, on those sides abutting or adjacent to a residential district, a four foot (4') completely obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground; 4) All lighting shall be shielded from adjacent residential districts and from abutting streets; and 5) All restroom doors shall be shielded from adjoining residential property. The plan meets all of the conditional requirements for the Special Use Permit. The cement pad in front of the main entrance will be removed, along with the parking on the Apple Ave side of the building. This will create adequate maneuvering isles for cars and keep them separated from the gas pumps. The current drive-thru structure in the back will be removed, and shall be replaced with a pay station with two driving lanes. Depending on how much space the pay station and driving lanes take up, it may be necessary to restrict the rear drive along Ada Street to one-way traffic. A 5-foot tall screening fence will be erected on the southern and eastern property lines. The current ingress/egress curb cuts on Apple Ave will be reconstructed to create one combined curb cut. The applicant is still working on a landscaping plan. Additional trees should be planted in the greenbelt buffer on Apple Ave and along the southern edge of the property

along Ada St. Staff recommends approval of the Special Use Permit with the following conditions:
1) The plan depicts the removal of the drive-thru station and the addition of the pay stations; and
2) A landscaping plan is provided.

M. Franzak stated that, although a landscaping plan was not included, it was something that staff could approve at a later date if the Planning Commission agreed. He also stated that, although the site plan showed only 18 inches of clearance near the pay station instead of the required 2 feet, he didn't see it as a problem since cars would be stopped in that area. A. Cotton stated that he owned the Marathon gas station and car wash at Seaway and Hackley. He believed this would be a good location for another, as there were no similar businesses in the area. He stated that they planned to hire about 20 people and fix up the property to make it look nice. He also stated that there would be space in the building for two more tenants.

G. White lived in the area was opposed to the request due to the additional traffic it would create at an intersection that was already busy. She asked where the access locations to the gas station would be. M. Franzak stated that it would be accessible from Getty St or Apple Ave.

A motion to close the public hearing was made by B. Larson, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request for a Special Use Permit for a gas station and car wash at 821 E Apple Avenue be approved with the conditions that 1) The plan depicts the removal of the drive-thru station and the addition of the pay stations, and 2) A landscaping plan is provided, was made by M. Hovey-Wright, supported by B. Larson and unanimously approved, with B. Mazade, E. Hood, J. Doyle, J. Montgomery-Keast, F. Peterson, S. Gawron, M. Hovey-Wright, and B. Larson voting aye.

Hearing, Case 2019-13: Staff-initiated request to vacate 4th St between Western Ave and Shoreline Drive. Staff requested to remove this item from consideration as it was no longer necessary per the city's legal counsel. Because the convention center would be placed over 4th St with pedestrian access still available to 4th St through the building, vacating the street was not necessary. However, because the case was on the agenda and there were people in the audience interested in speaking on the subject, a public hearing was held.

L. Spataro spoke on behalf of the Nelson Neighborhood Association. He stated that the neighborhood association supported a convention center but questioned the timing of this case, since the groundbreaking was already held. They were opposed to impeding access to this section of 4th Street, as it blocked one of few routes of access to the waterfront from downtown. He stated that the neighborhood association would like to know what the plan was to replace this waterfront access.

A motion to close the public hearing was made by B. Larson, supported by J. Doyle and unanimously approved.

There was no vote taken on the request, as it was removed from the agenda before the meeting.

Hearing, Case 2019-14: Staff-initiated request to amend the Form Based Code (FBC) section of the zoning ordinance to create new context areas for the Lakeside area. M. Franzak presented the staff report. The Form Based Code section of the zoning ordinance was created in 2015 for the downtown area and established six different context areas: Downtown, Mainstreet, Mainstreet Waterfront, Neighborhood Core, Neighborhood Edge and Urban Residential. These context areas established the uses and development guidelines for each parcel in the Form Based Code area. Staff is proposing to utilize the same Form Based Code document and create four new context

areas for the Lakeside area: Lakeside Commercial, Lakeside Heavy Commercial, Lakeside Mixed Residential, and Lakeside Residential. The descriptions of the new context areas are as follows:

- Lakeside Commercial: This context area will replace most of the B-2 and B-4 business districts in Lakeside. Buildings will be required to be placed closer to the street (0 to 3 feet front setback). Buildings currently located on the south side of Lakeshore Dr are already placed at zero lot line, however, the current B-2 and B-4 zoning requires a 10-foot setback. This change will keep the small setback on the south side of Lakeshore Dr and start to create the same development pattern on the north side of the street as new buildings are constructed. This new context area will also allow buildings to be up to four stories tall, compared to the two-story limit now. This will allow properties to utilize their full potential and create lake views. The new code will also eliminate new curb cuts (unless an alley or street is not present), creating a more walkable environment.
- Lakeside Heavy Commercial – This context area is similar to the Lakeside Commercial context area, but allows for more intense uses, such as auto repair. This context area was created to allow the current uses in this area, while designing the properties to fit in better with the area. If these current high-intensity businesses (car repair) eventually leave the area, the context area could simply be eliminated.
- Lakeside Mixed Residential – This context area will replace the residential zoning on Lakeshore Drive. It will also replace some of the B-2 zones on the north side of Lakeshore Drive that are mostly homes. The rezoning from B-2 to Lakeside Mixed Residential will help property owners sell and refinance their homes, which has been a problem because of the commercial zoning. Homes in this district will be allowed to have a 3rd story to take in lake views. More housing options will now be available; such as duplexes, small multiplexes, and rowhouses. Homes may also have small retail options with the addition of a cottage retail building option.
- Lakeside Residential – This context area will replace some of the residential zoning behind the Lakeside Business District. This area currently has many parcels zoned for high-density residential that would allow large apartments, even though there aren't any parcels large enough to meet the minimum standards. This area consists of detached houses, some of them which are duplexes and triplexes. This context area would allow single family, duplexes and small multiplexes (up to 6 units), but no commercial.

Notices were mailed to property owners that have parcels listed for the rezoning. Staff recommends approval of the zoning amendments with the following changes: 1) 1732 Lakeshore Drive should be changed to Lakeside Commercial. It is already a commercial building and the owner would like to develop the property further; and 2) 1595 Lakeshore Drive (Wasserman's Floral) should be zoned Lakeside Commercial.

M. Franzak provided a color-coded zoning map of the area which showed the current RM-1-zoned areas. He stated that the proposed FBC zoning presented a downzoning for some of these areas. B. Mazade stated that no current businesses would be displaced, and the FBC zoning could make it easier for property owners to make improvements. B. Mazade asked M. Franzak how the allowance of higher buildings along Lakeshore Drive might affect the view of the lake. M. Franzak stated that he did not expect a large impact on the view, as properties behind those on Lakeshore Drive were up on a hill. J. Montgomery-Keast stated that a four-story building sounded too high for the district. M. Franzak stated that when he had spoken to Lakeside business owners, they were in favor of it.

Public comments were heard. E. Davis expressed concerns with the rezoning on Harrison Ave. She stated that, although multi-family homes were already allowed there, they were not adequately

maintained and she did not want to see further non-owner-occupied homes being encouraged. She was concerned that it would diminish property values and discourage owner-occupied homes.

A motion to close the public hearing was made by B. Larson, supported by E. Hood and unanimously approved.

J. Montgomery-Keast asked how many vacant lots there were in the proposed multi-family zoning area. M. Franzak stated that there were not many, but if a house were demolished, a multi-family unit may be allowed to replace it. F. Peterson asked if existing single-family homes would be able to become multi-family. M. Franzak stated that he didn't anticipate current homes being converted to multi-family, as it would be very difficult to meet the FBC requirements and design criteria; the FBC was more restrictive as far as which properties would be able to be divided. M. Hovey-Wright asked what the goal was in rezoning the area. M. Franzak stated that it was to improve the business district and to more accurately reflect the current state of the neighborhood. In addition, FBC zoning was great for creating walkable neighborhoods.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by B. Larson and unanimously approved.

A motion that the request to amend the Form Based Code section of the zoning ordinance to create new context areas for the Lakeside area be approved with the condition that 1595 and 1732 Lakeshore Dr are changed to Lakeside Commercial, was made by J. Montgomery-Keast, supported by B. Larson and unanimously approved, with B. Mazade, E. Hood, J. Doyle, J. Montgomery-Keast, F. Peterson, S. Gawron, M. Hovey-Wright, and B. Larson voting aye.

Hearing, Case 2019-15: Staff-initiated request to rezone several properties in Lakeside to Form Based Code. M. Franzak presented the staff report. Staff recommends approval of the rezonings as shown on the proposed zoning map provided, with the changes made to 1595 and 1732 Lakeshore Drive, contingent upon the approval of the zoning ordinance amendments by the City Commission. There was no further public discussion on this item, as all questions had been addressed in the previous case.

A motion to close the public hearing was made by B. Larson, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request to rezone the parcels as presented with the changes made to 1595 and 1732 Lakeshore Drive be recommended for approval to the City Commission, contingent upon the approval of the zoning ordinance amendments by the City Commission, was made by J. Doyle, supported by E. Hood and unanimously approved, with B. Mazade, E. Hood, J. Doyle, J. Montgomery-Keast, F. Peterson, S. Gawron, M. Hovey-Wright, and B. Larson voting aye.

Hearing, Case 2019-16: Staff-initiated request to amend section 2310 of the zoning ordinance to make several changes to the critical dune ordinance. M. Franzak presented the staff report. The Department of Environmental Quality asked that we make several minor amendments to our Critical Dune ordinance to better reflect their model zoning ordinance. The changes are mostly clerical and will not change how we enforce our procedures. A revised Critical Dune ordinance was provided for the board's review and approval. Staff recommends approval of the proposed amendments to the Critical Dune ordinance.

M. Franzak read the list of corrections that had been requested by the DEQ.

A motion to close the public hearing was made by B. Larson, supported by J. Doyle and unanimously approved.

A motion that the amendments to the critical dune ordinance by approved was made by B. Larson, supported by E. Hood and unanimously approved, with B. Mazade, E. Hood, J. Doyle, J. Montgomery-Keast, F. Peterson, S. Gawron, M. Hovey-Wright, and B. Larson voting aye.

NEW BUSINESS

Hearing, Case 2019-12: Request for a Site Plan Review for a new building at the new parcel west of 421 W Delano Ave (parent parcel). M. Franzak presented the staff report. The property at 421 W Delano, at the corner of Delano and Park St, was recently split into six separate parcels. The plans show new buildings on all of the new vacant parcels. The Planning Commission only needs to approve one of the buildings, because it over 10,000 square feet. This building is located on Parcels 1 & 2 at the end of the cul-de-sac, which was shown on a site plan provided. The properties are zoned I-1, Light Industrial and are also located in the city's Medical Marihuana Overlay District. Each new proposed building will be for medical marihuana growing and processing. Some buildings may have a retail portion as well; however, the building on Parcels 1 & 2 is only for growing and processing. That building is 17,125 square feet in size and meets all setback requirements. The stormwater from every parcel will drain into the same area behind the buildings. This review will be contingent upon the Drain Commissioner approving their stormwater permit. Staff was still working with other departments on the review at the time this staff report was written, but the plan appeared to meet fire access requirements for Parcels 1 & 2. The width of the lot requires at least three canopy trees, but only two are depicted. Staff recommends approval of the site plan for the building addition on Parcels 1 & 2 as long as a revised site plan showing additional trees in the greenspace buffer is submitted to staff, contingent upon a stormwater permit from the Drain Commissioner.

M. Franzak stated that staff would be able to approve the updated landscape plan if the Planning Commission wished. G.L. Hardy was one of the partners involved in the project. He stated that he was a developer and builder, and he had a local business partner, S. Middlecamp. G. Hardy estimated that the new businesses would employ 100 to 150 employees and stated that he already had some interested clients.

A motion that the site plan for Parcels 1 & 2 be approved, contingent upon the issuance of a stormwater permit from the Drain Commissioner, and with the condition that two more canopy trees are planted on the greenbelt buffer, was made by E. Hood, supported by M. Hovey-Wright and unanimously approved, with B. Mazade, E. Hood, J. Doyle, J. Montgomery-Keast, F. Peterson, S. Gawron, M. Hovey-Wright, and B. Larson voting aye.

OLD BUSINESS

None

OTHER

Master Plan Update – M. Franzak stated that staff had met with 12 of the 14 neighborhood associations so far, and would have a public meeting in the future. L. Spataro thanked staff for their outreach efforts regarding the Third St. improvements. He also reiterated their concerns about vacating a portion of Monroe Ave, and who would maintain the planters. He stated that the neighborhood association was committed to contributing to the project.

M. Poletti discussed his concerns about The Docks project and the lack of studies required before the project is approved. B. Mazade stated that a final plan had not yet come to the Planning Commission for approval. B. Evans also urged the Planning Commission to require scientific and environmental studies of the project.

There being no further business, the meeting was adjourned at 5:12 p.m.

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